

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BOUNLAP MATMANIVONG,)	
individually and on behalf of a class,)	
)	13-cv-5347
Plaintiff,)	
)	Judge Matthew F. Kennelly
vs.)	
)	
NATIONAL CREDITORS CONNECTION, INC.,)	
)	
Defendant.)	

**PLAINTIFF’S MOTION TO STRIKE DEFENDANT’S REPLY TO PLAINTIFF’S
RESPONSE TO DEFENDANT’S STATEMENT OF UNDISPUTED MATERIAL FACTS**

Plaintiff Bounlap Matmanivong (“Plaintiff” or “Matmanivong”), respectfully requests this Honorable Court to strike Defendant National Creditors Connection Inc’s (“NCCI”) Reply to Plaintiff’s Response to Defendant’s Statement of Undisputed Material Facts (Doc. # 72-2). In support of this motion, Plaintiff states as follows:

1. On July 9, 2014, NCCI filed its Statement of Undisputed Material Facts in Support of Defendant National Creditors Connection, Inc.’s Motion for Summary Judgment. (Doc. #54-1)
2. On August 20, 2014, Plaintiff filed his response to NCCI’s Statement of Undisputed Material Facts in Support of Defendant National Creditors Connection, Inc.’s Motion for Summary Judgment. (Doc. #61-4)
3. On October 9, 2014, Defendant filed its Reply to Plaintiff’s Response to Defendant’s Statement of Undisputed Material Facts (Doc. # 72-2).
4. Local Rule 56.1(a) provides that, “If additional material facts are submitted by the opposing party pursuant to section (b), the moving party may submit a concise reply in the form prescribed in that section for a response.”
5. NCCI’s Reply is inappropriate because a party, as clearly stated in the rule, can only file a reply “if additional material facts are submitted by the opposing party.” The reply is

the moving party's opportunity to address those additional facts.

6. Here, NCCI filed a Response to Plaintiff's Statement of Material Facts (Doc. 72-1). This is all Local Rule Rule 56.1(a) permits it to do: address Plaintiff's additional facts. It is not entitled to file a reply to comment on Plaintiff's responses to its additional facts, only to address Plaintiff's additional facts.

7. Therefore, because Defendant already addressed Plaintiff's additional facts in its Response to Plaintiff's Statement of Material Facts, Plaintiff's request that this court strike Defendant's Reply to Plaintiff's Response to Defendant's Statement of Undisputed Material Facts .

WHEREFORE, Plaintiff Bounlap Matmanivong respectfully requests this Honorable Court to strike Defendant National Creditors Connection Inc's ("NCCI") Reply to Plaintiff's Response to Defendant's Statement of Undisputed Material Facts (Doc. # 72-2).

Respectfully submitted,

s/Catherine A. Ceko
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CERTIFICATE OF SERVICE

I, Catherine A. Ceko, certify that on October 21, 2014, a true and accurate copy of the foregoing document was filed via the Court's CM/ECF system, and notification of such filing was sent to the following parties:

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